

**DECLARATION OF GABRIELA PELSINGER**

I, Gabriela Pelsinger, declare:

1. I am an investigator at the Prison Law Office, counsel of record for *Armstrong* Plaintiffs. I have personal knowledge of the matters set forth herein, and if called as a witness, I could competently so testify.

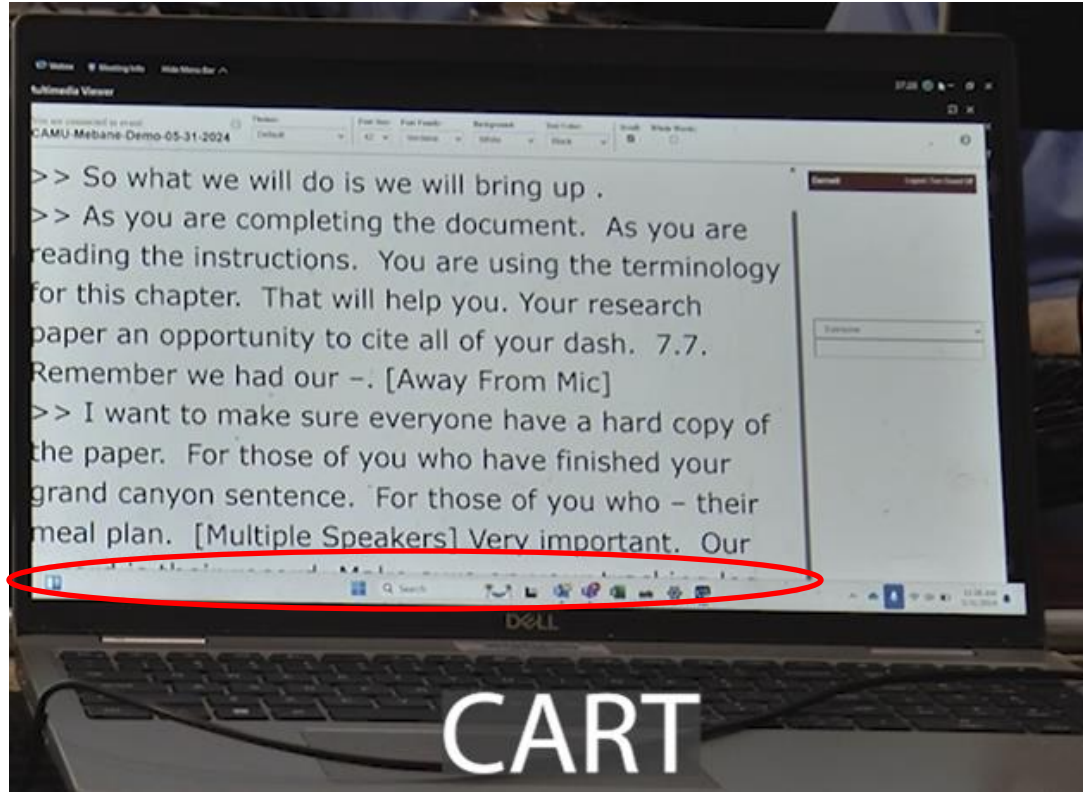
2. Dr. Nathan V. Swett submitted a declaration in support of Defendants' statement on SATF Stipulation Item 13 concerning captioning technology. In his declaration, Dr. Swett discusses video recording of live demonstrations of CART and ViewSonic captioning technology.

3. Paragraph 46 of the declaration of Dr. Swett discusses the video recording of a live demonstration of the CART service and ViewSonic captioning technology that took place on May 31, 2024, at the California Institution for Men (CIM). Dr. Swett analyzes the captioning provided between 0:39 and 3:38, which he has divided into thirteen segments. For each of those thirteen segments, Dr. Swett provides a written comparison of the statements that the speaker voiced, ViewSonic's transcription, and CART's transcription.

4. I reviewed this video recording, produced by Defendants, and Dr. Swett's written characterization and comparison of the audio, the ViewSonic transcription, and the transcription provided by CART. Below are my observations about these segments of video recording.

5. In each of the thirteen segments, Dr. Swett writes that the CART transcription of speech does not appear or appears up to 23 seconds later. According to my review of the video recording of the demonstration, this appears to be because the laptop with CART was scrolled to a position too high up on the transcription text box to show contemporaneous transcriptions as they were coming in. Therefore, the newest transcriptions could not be read as they appeared because they were not fully visible on the screen.

1 May 31, 2024, CIM, at 0:00:42:



15 At the bottom of the screen of the laptop showing CART, the very top of the next line of  
16 text is visible, showing that there are more recent transcriptions that have been provided,  
17 but are not being shown on the laptop screen.

18 6. Dr. Swett says that the first segment, in which the speaker states, “So real  
19 quick class, pay one quick attention to this,” begins at 0:39.

20 When I reviewed the video recording of this demonstration, I found that the speaker begins

21  
22 **0:39-0:42**

**Speaker:** So real quick class, pay one quick attention to this.

**VS:** so real quick class take one quick attention to this.

**CART (0:59):** A real quick class. Everyone pay attention to this.

24 saying these words at 0:37, not 0:39. The initial ViewSonic transcription, from 00:37 –  
25 00:38, stated “so mr.” At 00:39, “so mr” disappeared and was replaced by “so real quick.”

26  
27 //

28 //

1 May 31, 2024, CIM, at 0:00:37:



6 7. Dr. Swett provides the following characterization of the second segment of  
7 this demonstration, which takes place between 0:43 – 0:53.

8 **0:43-0:53**

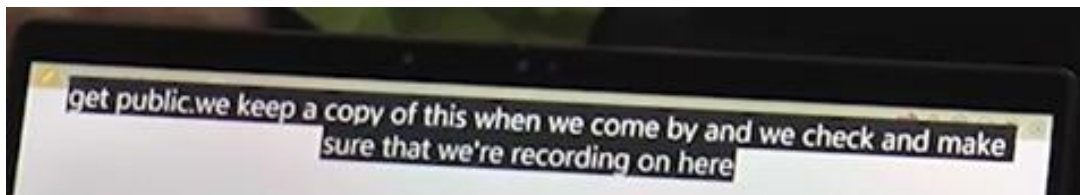
9 **Speaker:** Everybody has this tracking log. Yours is in color. We keep a copy of this and we  
10 come by and we check and make sure that we're recording all of your assessments,  
[al]right?

11 **VS:** Everybody has this track in order to get public. We keep a copy of this when we come  
by and we check and make sure that we're recording on your assessment right

12 **CART:** no transcription

13 8. Dr. Swett's characterization of the ViewSonic transcription removes words  
14 that ViewSonic initially provided in the transcription but later replaced. At 0:52, as the  
15 speaker says "recording all of your assessments," ViewSonic initially transcribes this as  
16 "recording on here." That text is then replaced by "recording on your," as Dr. Swett  
17 describes.

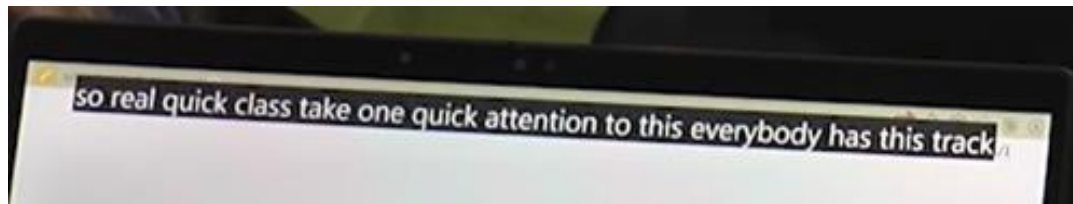
18 May 31, 2024, CIM, at 0:00:52:



23 9. Dr. Swett also says regarding the second segment that ViewSonic's  
24 transcription uses capitalization and punctuation to divide the transcription into discrete  
25 sentences. The capitalization and punctuation that Dr. Swett attributes to ViewSonic are  
26 not visible when the words first appear, and are instead added later by the software. For  
27 example, the below image from 0:43 shows that when the first part of the statement  
28

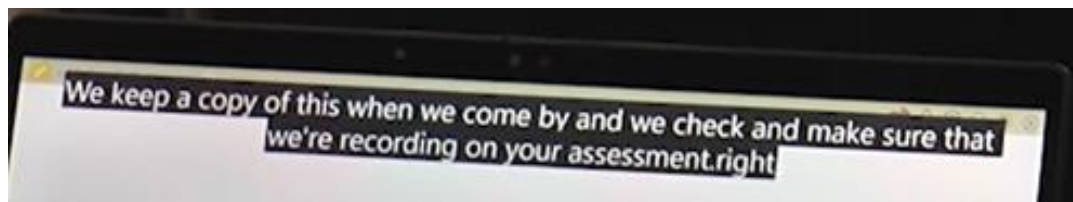
1 “everybody has this track” was transcribed, it was not differentiated from the preceding  
2 statement by capitalization nor punctuation.

3 May 31, 2024, CIM, at 0:00:43:



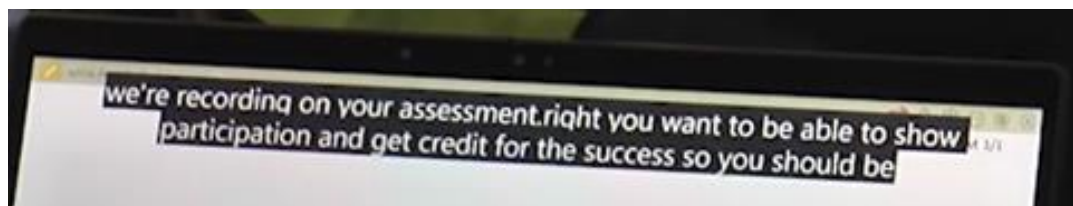
8 Dr. Swett also omits punctuation that ViewSonic did include. When the word “right”  
9 appears at 0:54, there is a period between “assessment” and “right,” (“assessment.right”).

10 May 31, 2024, CIM, at 0:00:54:



15 Although it does not appear in Dr. Swett’s description, the ViewSonic transcription of  
16 these words only ever depicts them as “assessment.right” for the entire time that the  
17 transcription is visible.

18 May 31, 2024, CIM, at 0:01:00:



23 10. In the third segment, between 0:54 and 1:01, Dr. Swett says that CART  
24 includes the word “He” as part of the transcription even though the speaker did not voice  
25 the word “He.”

1 **0:54-1:01**

2 **Speaker:** You want to be able to show participation and get credit for these assessments, so  
you should be writing them on the back.

3 **VS:** you want to be able to show participation and get credit for the success so you should  
be writing them on the back.

4 **CART (1:13):** You want to be able to —. We don't need anything else. He

5 The transcription of the word “He” is part of the transcription of the subsequent segment of  
6 speech, not of the transcription of the speech being evaluated in this segment.

7 11. In the fourth segment, between 1:02 and 1:11, Dr. Swett includes  
8 capitalization and punctuation to the ViewSonic transcription that are not actually visible  
9 when the words appear onscreen.

10 **1:02-1:11**

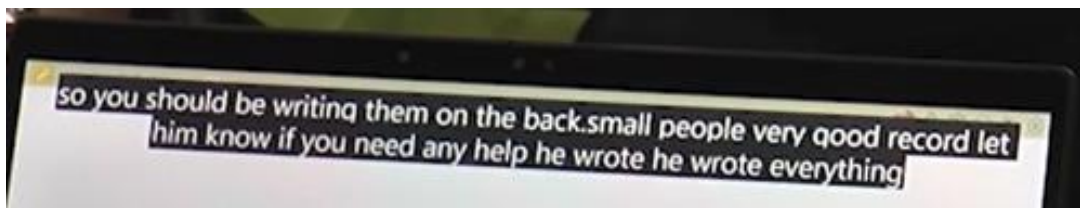
11 **Speaker:** Small keeps very good records. Let him know if you need any help. He wrote  
(chuckles), he wrote everything.

12 **VS:** Small people, very good record. Let him know if you need any help, he wrote. He  
wrote everything.

13 **CART (1:20):** He wrote everything.

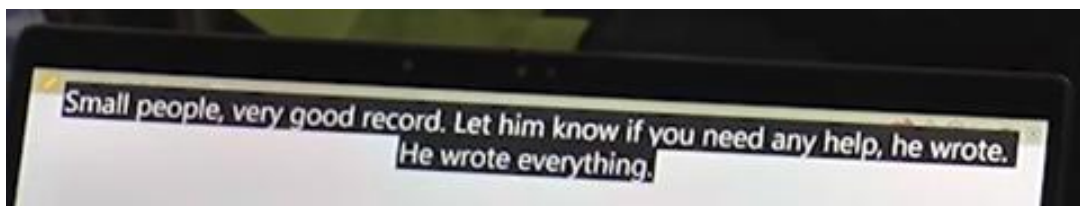
14 The ViewSonic transcription instead appears onscreen as “small people very good record  
15 let him know if you need any help he wrote he wrote everything.”

16 May 31, 2024, CIM, at 0:01:09:



21 The punctuation and capitalization described by Dr. Swett appears onscreen at 1:11, at  
22 which point the speaker is discussing new information.

23 May 31, 2024, CIM, at 0:01:11:





1 The transcription Dr. Swett describes is only visible onscreen for four seconds, from 1:11-  
 2 1:15. The initial version of the transcription (with no punctuation or capitalization) begins  
 3 to appear at 1:04 and is not corrected until 1:11, seven seconds later.

4 12. Dr. Swett provides the following characterization of the fifth segment of this  
 5 demonstration, which takes place between 1:12 and 1:19.

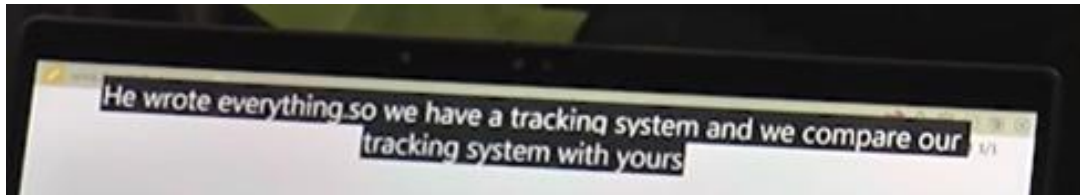
6 **1:12-1:19**

7 **Speaker:** So we have a tracking system and we compare our tracking system with yours,  
 alright?

8 **VS:** So we have a tracking system and we compare our tracking system with your. Right.

9 **CART (1:20):** So, we compare our tracking system with yours.

10 Dr. Swett's characterization of ViewSonic's transcription omits that ViewSonic initially  
 11 provided a different transcription of this segment of the demonstration. At 1:18,  
 12 ViewSonic transcribed "yours" as "yours," before later replacing "yours" with "your."  
 13 May 31, 2024, CIM, at 0:01:18:



15  
 16  
 17  
 18 13. Dr. Swett provides the following characterization of the sixth segment of this  
 19 demonstration, which takes place between 1:20 and 1:32:

20 **1:20-1:32**

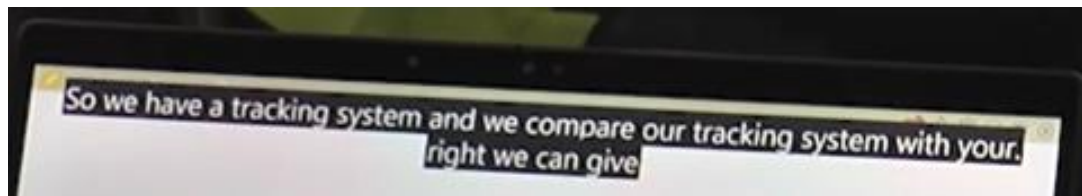
21 **Speaker:** So that we can give you credit for participation when it comes time to update  
 SOMS, when it comes time for your progress reports.

22 **VS:** We can give you credit. when it comes time to update songs when it comes time for  
 your progress reports

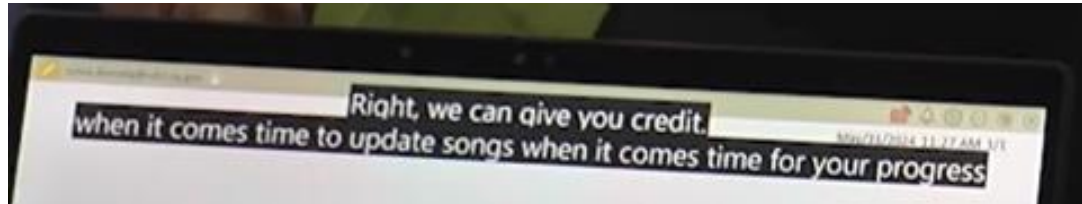
23 **CART (1:36):** When it comes time to update some.

24 14. Dr. Swett says that in the ViewSonic transcription, "We" is capitalized, but  
 25 the "w" in "we" is never capitalized, either when it first appears at 1:22 or by the last  
 26 moment that this word is visible on the screen, at 1:31.

1 May 31, 2024, CIM, at 0:01:22:

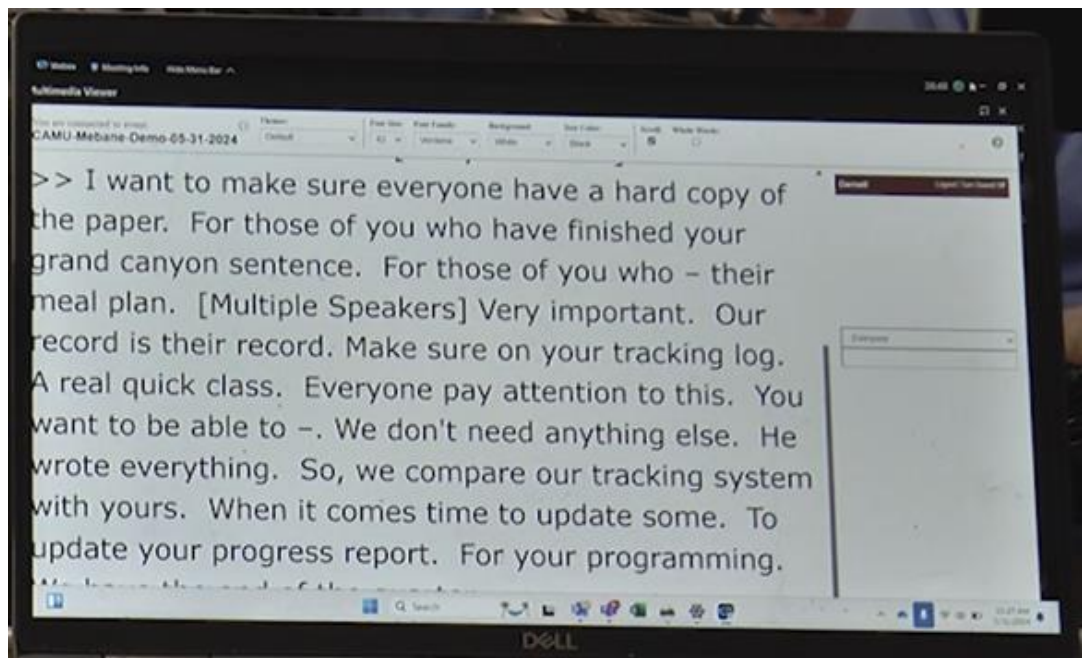


6 May 31, 2024, CIM, at 0:01:31:



11 15. Dr. Swett's characterization of the CART transcription of this segment of the  
12 demonstration is incomplete. The CART transcription of this portion of the demonstration  
13 is "When it comes time to update some. To update your progress report." Because the  
14 laptop with CART was not showing the most recent additions to the transcription, the  
15 complete CART transcription of this segment is not visible until 2:03.

16 May 31, 2024, CIM, at 0:02:03:



1           16. Dr. Swett provides the following characterization of the seventh segment of  
2 this demonstration, which takes place between 1:33 and 1:50:

3           **1:33-1:50**

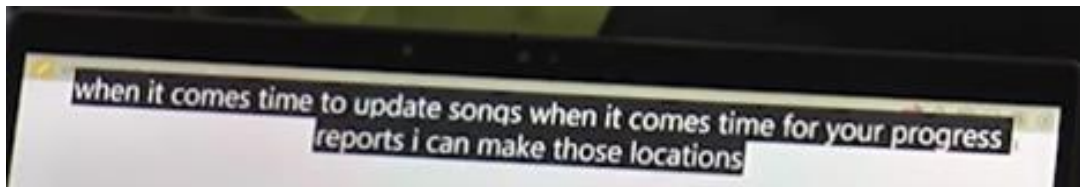
4           **Speaker:** I can make those notations that you're programming. I can make those notations  
5 that you're putting a lot of effort into your work. So as you're working . . . (side  
6 conversation – it was right in your face? Thank you, I'll take it.)

7           **VS:** I can make those locations that you're programming. I can make those locations.

8           **CART (2:03):** To update your progress report. For your programming.

9 Dr. Swett says that ViewSonic's transcription uses capitalization and punctuation to divide  
10 the transcription into discrete sentences. However, the capitalization and punctuation that  
11 Dr. Swett attributes to ViewSonic are not visible when the words first appear, but instead  
12 are added later, after ViewSonic has changed and corrected the initial transcription. For  
13 example, at 01:34, the transcription visible onscreen is: "when it comes time to update  
14 songs when it comes time for your progress  
15 reports i can make those locations."

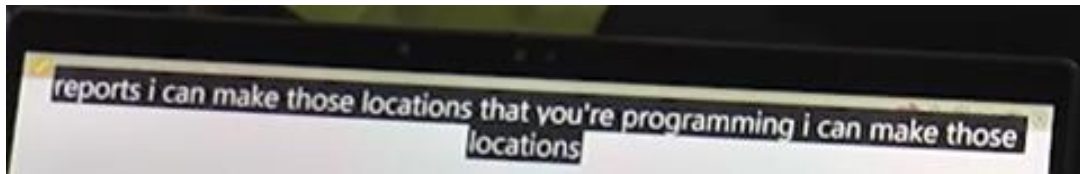
16 May 31, 2024, CIM, at 0:01:34:



18 The "i" is not capitalized, as it is in Dr. Swett's characterization, and there is no indication  
19 that "i can make those locations" is a separate sentence from the text that comes before it.

20 Similarly, at 01:37, the transcription visible onscreen is: "reports i can make those  
21 locations that you're programming i can make those  
22 locations."

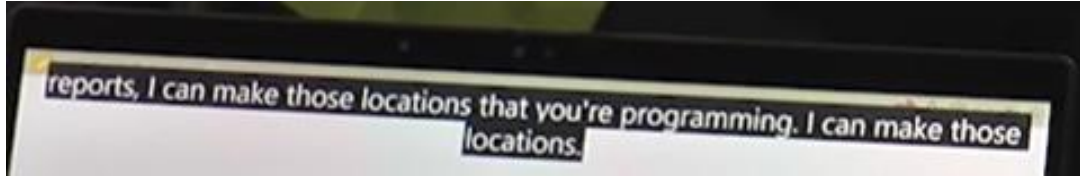
23 May 31, 2024, CIM, at 0:01:37:





Neither “i” is capitalized and there is no period in between “programming” and “i.” ViewSonic changes the transcription to capitalize the I’s and add a period between “programming” and “I” at 01:39.

May 31, 2024, CIM, at 0:01:39:



17. Dr. Swett provides the following characterization of the eighth segment of this demonstration, which takes place between 1:51 and 2:07:

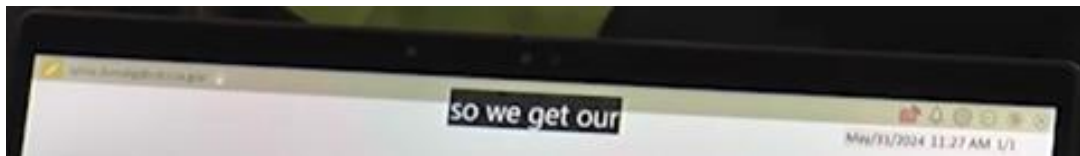
**1:51-2:07**

**Speaker:** So, we did our drill. We’re checking our assessments. We got the end of the quarter coming up. No school. Anybody . . . anybody notice that we don’t have any school close to the end of June? Anybody? Nobody?

**VS:** So in our drill, we’re checking our assessment. we got the end of the quarter coming up no school anybody anybody notice I’m gonna have any school posted the end of June anybody nobody

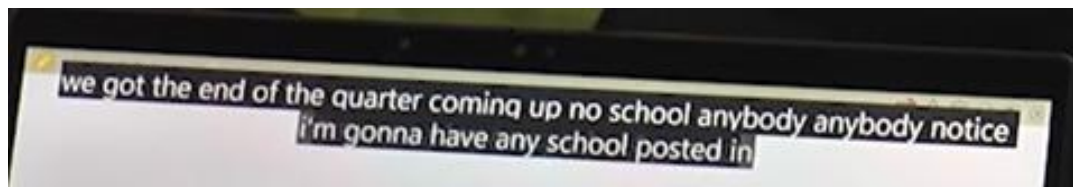
**CART (2:09-2:10):** We have the end of the quarter coming up. Anybody noticed we don’t have any schools open in June.

18. Dr. Swett’s characterization of the ViewSonic transcription does not include words that ViewSonic initially provided in the transcription but later replaced. At 01:53, as the speaker says “so, we did our drill,” ViewSonic initially transcribes this as “so we get our.” The words “we get” are missing from Dr. Swett’s description of the transcription. May 31, 2024, CIM, at 0:01:53:



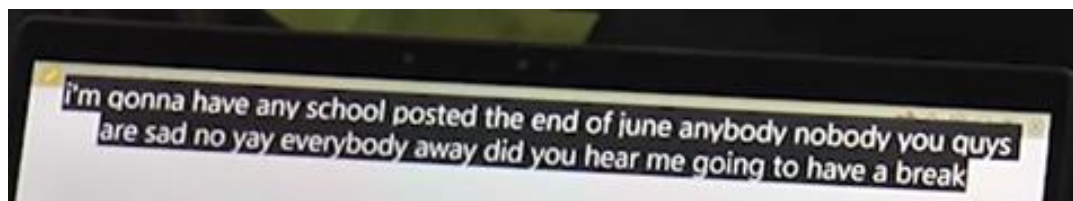
Similarly, a few moments later, as the speaker says “close to the end of June,” ViewSonic initially transcribes this as “posted in.” Dr. Swett says that ViewSonic transcribed this as “posted the end of June” and does not include the word “in” in his characterization of the transcription.

1 May 31, 2024, CIM, at 0:02:05:



6 19. Dr. Swett also attributes capitalization to this segment of the ViewSonic  
7 transcription that did not occur. Dr. Swett says that ViewSonic capitalized “I’m” and  
8 “June” but those words only appeared in lowercase for the entire time they were visible in  
9 the ViewSonic transcription.

10 May 31, 2024, CIM, at 0:02:17:



15 20. Dr. Swett’s characterization of the CART transcription of this segment is  
16 also incomplete.

17 **1:51-2:07**

18 **Speaker:** So, we did our drill. We’re checking our assessments. We got the end of the  
quarter coming up. No school. Anybody . . . anybody notice that we don’t have any school  
close to the end of June? Anybody? Nobody?

19 **VS:** So in our drill, we’re checking our assessment. we got the end of the quarter coming up  
no school anybody anybody notice I’m gonna have any school posted the end of June  
anybody nobody

20 **CART (2:09-2:10):** We have the end of the quarter coming up. Anybody noticed we don’t  
have any schools open in June.

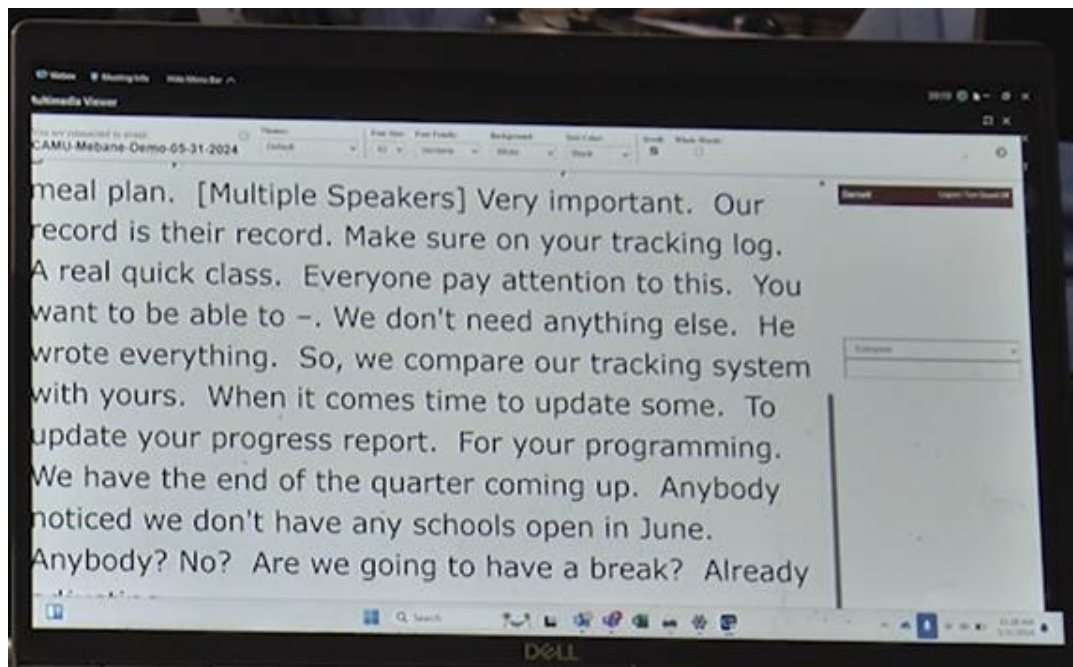
21

22 The actual CART transcription of this portion of the demonstration is “We have the end of  
23 the quarter coming up. Anybody noticed we don’t have any schools open in June.  
24 Anybody? No?” Again, because the laptop with CART was not showing the most recent  
25 additions to the transcription, the complete CART transcription of this segment is not  
26 visible until 02:24.

27 //

28 //

May 31, 2024, CIM, at 0:02:24:



21. Dr. Swett provides the following characterization of the ninth segment of this demonstration, which takes place between 2:08 and 2:18:

**2:08-2:18**

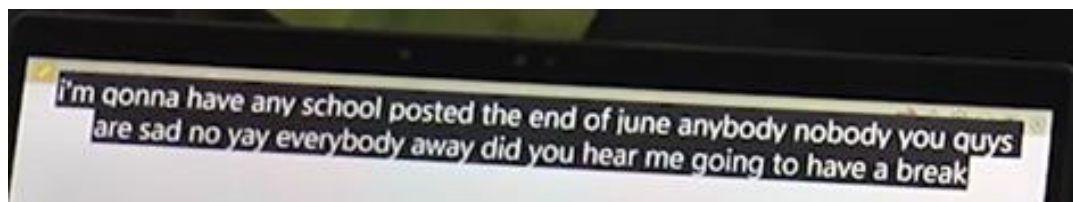
**Speaker:** You guys are sad? No? Yay? Is anybody awake? Did you hear we're gonna have a break? No, yeah, no?

**VS:** You guys are sad. No. Yay. Everybody away. Did you hear me? Going to have a break.no yeah no

**CART (2:24):** Anybody? No? Are we going to have a break?

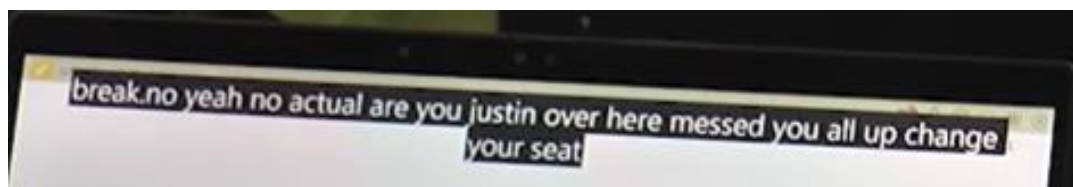
Dr. Swett says that ViewSonic's transcription uses capitalization and punctuation to divide the transcription into discrete sentences. However, that capitalization and punctuation is not present for the majority of the time that the words are visible onscreen. ViewSonic later changes and corrects the transcription to add capitalization and punctuation. By 02:17, the transcription reads: "i'm gonna have any school posted the end of june anybody nobody you guys are sad no yay everybody away did you hear me going to have a break."

1 May 31, 2024, CIM, at 0:02:17:



6 At 02:18, after ten seconds of showing transcription without capitalization or punctuation,  
 7 ViewSonic changes the transcription to provide the capitalization and punctuation that Dr.  
 8 Swett describes. The language described by Dr. Swett is only visible onscreen for four  
 9 seconds. By 02:23, all of the transcription of this segment except for “break.no yeah no”  
 10 has disappeared.

11 May 31, 2024, CIM, at 0:02:23:



16 22. Dr. Swett provides the following characterization of the tenth segment of this  
 17 demonstration, which takes place between 2:19 and 2:39.

18 **2:19-2:39**

19 **Speaker:** Nigel (sp?), how are you adjusting over here? Wha... messed you all up changed  
 20 your seat, huh? You goin' be alright. Yeah? You know we're going to have a break coming  
 up? (laughter) Let that provide you some relief, right? Alright, break is coming up. June 24  
 to July 8. No education.

21 **VS:** actual are you justin over here messed you all up change your seat huh you'll be all  
 right yeah you know we have a break coming up. Let that provide me something. like rake  
 is coming up june 24th through july 8th no education

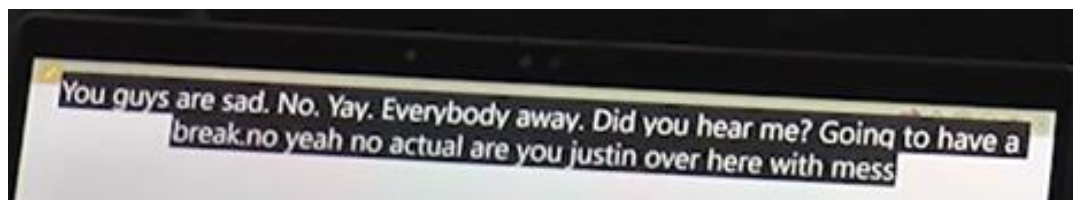
22 **CART (2:42-2:45):** Already adjusting over here. You know we have a break coming up are  
 break is coming up June 24 to July 8. No education.

23

24 Dr. Swett's characterization of the ViewSonic transcription does not include words that  
 25 ViewSonic initially provided in the transcription but later replaced. At 02:21, as the  
 26 speaker says “Wha... messed you all,” ViewSonic initially transcribes this as “with mess.”  
 27 However, Dr. Swett says that ViewSonic transcribed this as “messed you all” and does not  
 28 include the phrase “with mess,” which also appeared onscreen.

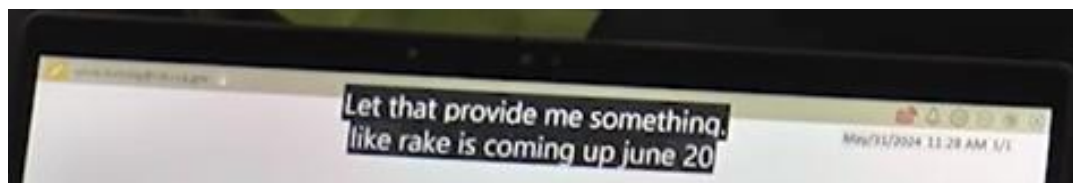


1 May 31, 2024, CIM, at 0:02:21:



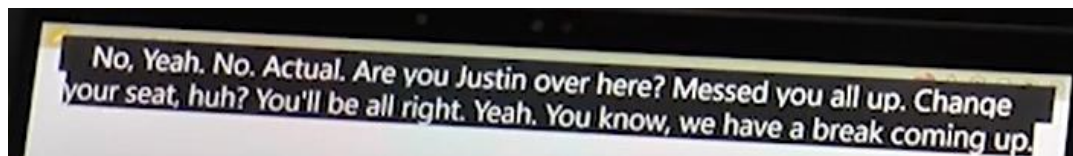
6 At 02:35, while the speaker says “June 24<sup>th</sup>,” ViewSonic initially transcribes this as “june  
7 20.” Dr. Swett says that ViewSonic only transcribed this as “june 24th”

8 May 31, 2024, CIM, at 0:02:35:



13 Dr. Swett says that the ViewSonic transcription of the first part of this segment does not  
14 include capitalization or punctuation (“actual are you justin over here messed you all up  
15 change your seat huh you’ll be all right yeah you know we have a break coming up.”) At  
16 02:29, the ViewSonic transcription changes and updates this language to add capitalization  
17 and punctuation.

18 May 31, 2024, CIM, at 0:02:29:



22 23. Dr. Swett provides the following characterization of the eleventh segment of  
23 this demonstration, which takes place between 2:40 and 2:57.

24 **2:40-2:57**

25 **Speaker:** So, we’re checking your assessments for CA-7. You better get that multiple  
26 choice and that exam in after these assessments, so you get credit for it for this quarter. This  
27 is the last chapter I think I’ll be opening up before we go on break.

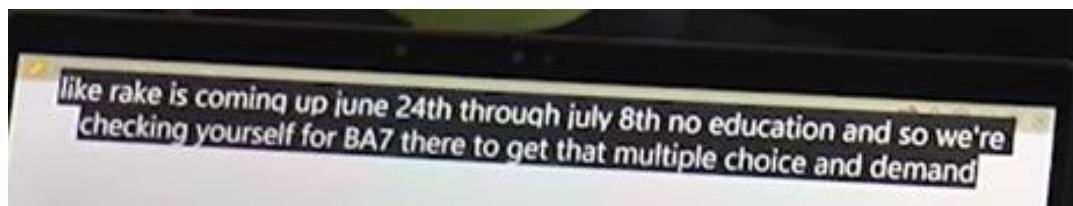
28 **VS:** so we’re checking yourself for BA7 there to get that multiple choice and demand is  
down in after these investments you get credit more for this quarter.this is the last chapter i  
think i'll be opening up before we go on brand

**CART (3:01-3:04):** Get that multiple-choice in. This is the last – I will be opening up  
before we go on break.



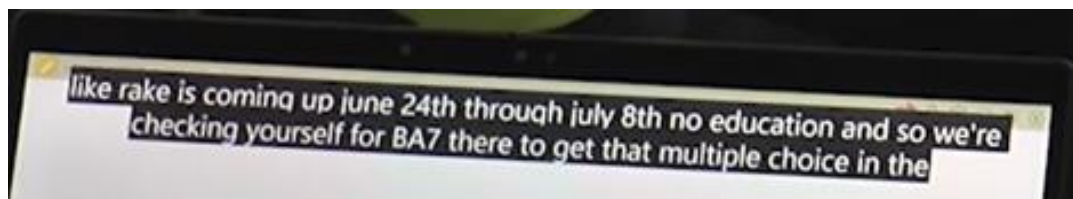
1 Dr. Swett's characterization of the ViewSonic transcription does not include words that  
2 were actually part of the ViewSonic transcription. At 02:40, as the speaker says "So,"  
3 ViewSonic transcribes this as "and so." Dr. Swett says that ViewSonic transcribes this as  
4 "so" and did not include the word "and" in his characterization of the transcription, even  
5 though the word "and" remains onscreen for the entire time that this portion of the  
6 transcription is visible onscreen.

7 May 31, 2024, CIM, at 0:02:45:



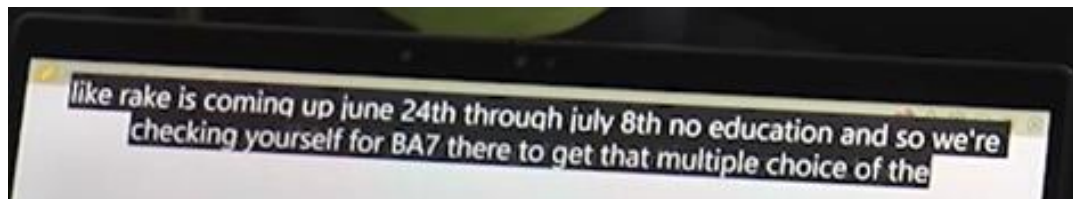
12 At 02:44, when the speaker says "and that exam," ViewSonic provides three different  
13 transcriptions of this speech, which is not included in Dr. Swett's description. ViewSonic  
14 initially transcribes this as "in the."

15 May 31, 2024, CIM, at 0:02:44:



20 The software then replaces "in the" with "of the."

21 May 31, 2024, CIM, at 0:02:44:

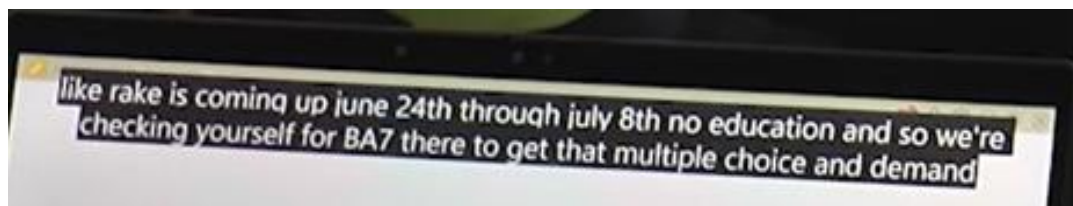


26 The software then replaces "of the" with "and demand."

27

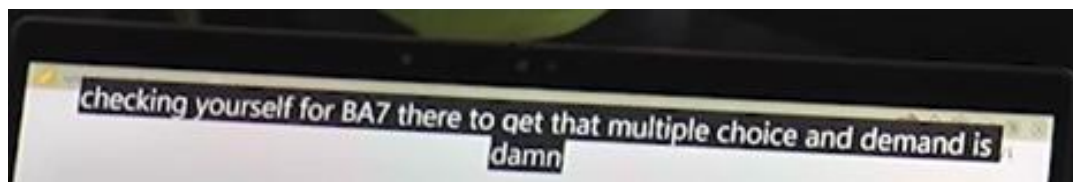
28

1 May 31, 2024, CIM, at 0:02:45:



6 And a moment later, as the speaker finishes saying the phrase, “and that exam in,”  
 7 ViewSonic initially transcribes this as “is damn,” before later replacing “damn” with  
 8 “down.” Dr. Swett’s characterization of the transcription omits the word “damn” even  
 9 though it was onscreen.

10 May 31, 2024, CIM, at 0:02:45:



15 24. Dr. Swett provides the following characterization of the twelfth segment of  
 16 this demonstration, which takes place between 2:58 and 3:17:

17 **2:58-3:17**

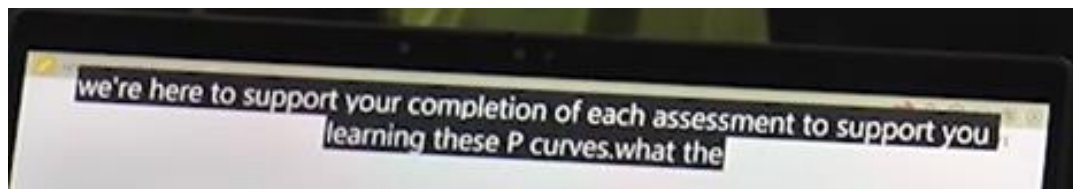
18 **Speaker:** So, we’re here to support your completion of these assessments, to support you  
 learning these key terms with the goal of helping you to achieve [umm] passing for your  
 test, for your final test for CA-7.

19 **VS:** so we’re here to support your completion of each assessment to support you learning  
 these P curves. What’s the goal of spelling into the key? passing for your test For your final  
 20 Test.

21 **CART:** We are

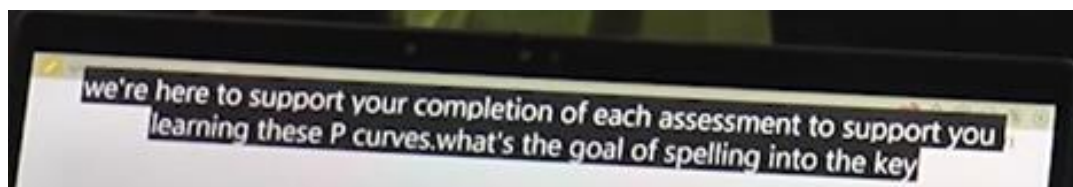
22 Dr. Swett’s characterization of the ViewSonic transcription does not include words that  
 23 ViewSonic initially provided in the transcription but later replaced. At 03:08, after the  
 24 speaker has said “key terms with,” ViewSonic initially transcribes “terms with” as  
 25 “curves.what.” However, Dr. Swett says that ViewSonic transcribed this as “curves.  
 26 What’s.”

1 May 31, 2024, CIM, at 0:03:08:



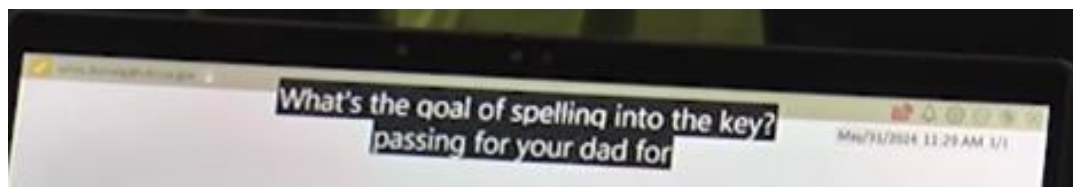
6 The software then replaces “curves.what” with “curves.what’s” but there is still no space  
7 after the period and the w has not yet been capitalized.

8 May 31, 2024, CIM, at 0:03:11:



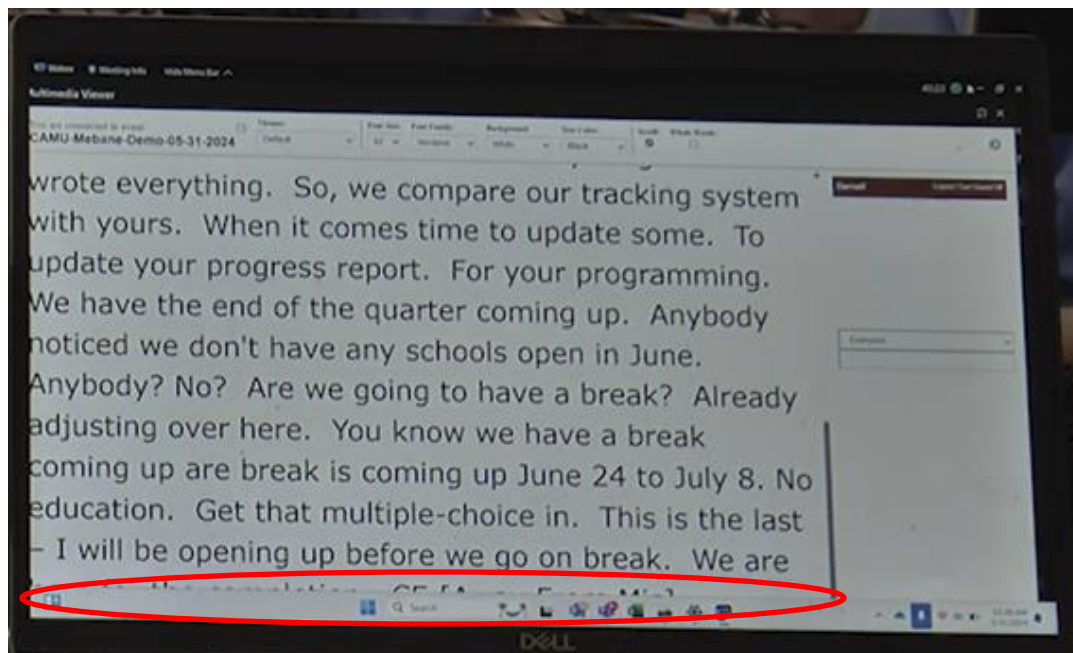
13 At 03:15, once the speaker has said “your test, for,” ViewSonic initially transcribes this as  
14 “your dad for” before later replacing it with “your test for.” Dr. Swett does not include the  
15 word “dad” in his description.

16 May 31, 2024, CIM, at 0:03:15:



21 25. Dr. Swett says that the CART transcription of this twelfth segment is solely  
22 “We are.” The videorecording of the demonstration shows that by the time the  
23 videorecording of this demonstration ends at 0:03:37, the laptop with CART was still  
24 scrolled to a position too high up on the transcription text box to show the entirety of the  
25 transcription that had come in by that time. It appears that additional transcription is  
26 available but is simply not fully visible on the screen.

May 31, 2024, CIM, at 0:03:37:



26. Dr. Swett provides the following characterization of the thirteenth segment of this demonstration, which takes place between 3:18 and 3:38:

**3:18-3:38**

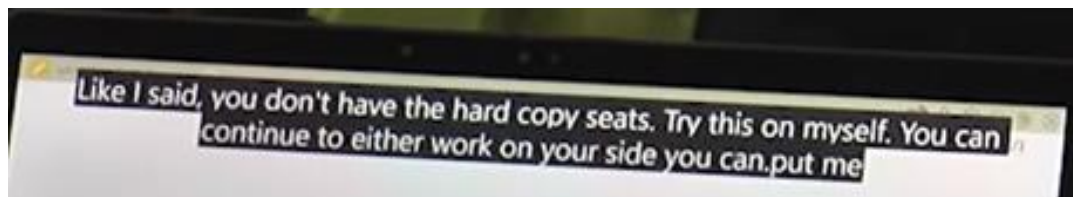
**Speaker:** [Umm] like I said, if you don't have the hard copy, see Tritus (sp?) or myself. You can continue to either work on your typing. You can continue to complete your assessments for CA-7. You have an example of all of them on the board.

**VS:** like i said you don't have the hard copy seats try this or myself you can continue to either work on your side you can. Continue to accommodate for C87. You have an example of all of them on the board.

**CART:** no transcription

Dr. Swett's characterization of the ViewSonic transcription removes words that ViewSonic initially provided in the transcription but later replaced. At 03:30, after the speaker has said "can continue," ViewSonic initially transcribes this as "can.put me." However, Dr. Swett says that ViewSonic transcribed this as "can. Continue"

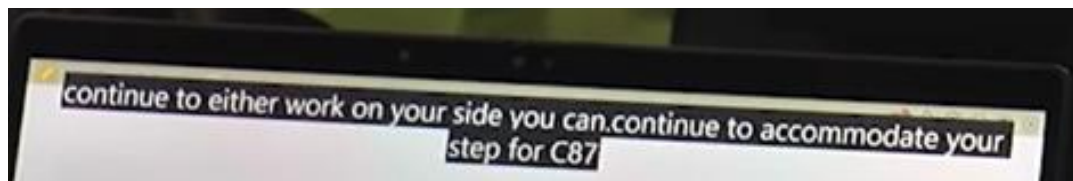
May 31, 2024, CIM, at 0:03:30:





1 The software then replaces “can.put” with “can.continue” but there is still no space after  
 2 the period and the c of “continue” has not yet been capitalized.

3 May 31, 2024, CIM, at 0:03:33:



8 27. Dr. Swett says that CART provides no transcription of this thirteenth and  
 9 final segment. As described earlier, by the time the videorecording of this demonstration  
 10 ends at 3:37, the laptop with CART was still scrolled to a position too high up on the  
 11 transcription text box to show all of the transcription that had been provided by that time.  
 12 Additional transcription had been provided that is simply not fully visible on the screen.  
 13 Because the most recent transcription cannot be read, it is not possible to see whether  
 14 CART has provided a transcription of this segment of speech.

15 28. Dr. Swett also describes segments of a live demonstration of CART and  
 16 ViewSonic that took place at San Quentin Rehabilitation Center (SQ) on March 27, 2024.  
 17 Dr. Swett provides the following characterization of a segment that takes place between  
 18 11:00 and 11:18:

19 **11:00 to 11:18**

20 **Speaker:** We are going to do a bit of a lesson that is hopefully something that you are  
 interested in and is practical for your use, and I hope that by the time I'm done talking you  
 walk away with a little bit of knowledge that adds to what you knew when you came.

21 **VS:** we are going to do a bit of a lesson that is hopefully something that you're interested in  
 and is practical for your use and i hope that by the time i'm done talking you walk away  
 with a little bit of knowledge that adds to what you knew when you came

22 **CART:** [Indiscernible] I hope by the time I

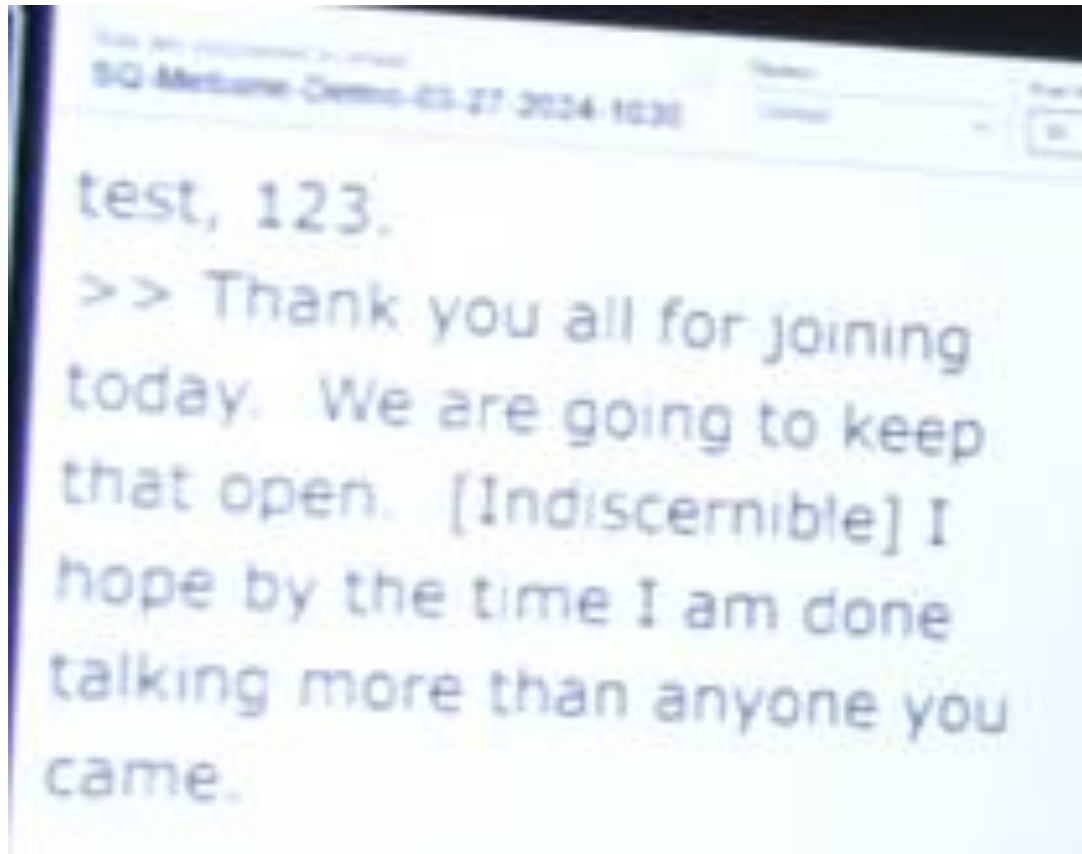
23

24 29. I reviewed this video recording, produced by Defendants. Dr. Swett's  
 25 characterization of ViewSonic appears to be correct for the timestamps given. However, at  
 26 11:26, the CART screen updates to show the addition of the words “am done talking more  
 27 than anyone you came.”

28



1 March 27, 2024, SQ, at 0:11:26:



16 30. Dr. Swett provides the following characterization of the second segment that

17 takes place between 16:18 and 16:35:

18 **16:18 to 16:35**

19 **Speaker:** I'm gonna go with this little piece here because I have something running in the  
 20 background that's not working. In a classroom I could either show it large, or I could show  
 it small. I'm gonna show it small to you guys just to make it easier. So, let's talk about  
 staying hydrated. We just heard that we have some active folks in the room, and do they  
 know why they should stay hydrated?

21 **VS:** i'm gonna go with this little piece here because i have something running in the  
 22 background that's not working in a classroom i could either show it large or i could show it  
 small i'm gonna show it small to you guys just to make it easier so let's talk about staying  
 hydrated. We just heard that we have some active folks in the room and do they know why  
 they should stay hydrated?

23 **CART:** I am going to go with this little piece here. Something running in the background.  
 24 Just to make it easier. Staying hydrated.

25 31. Dr. Swett's says that ViewSonic's transcription uses capitalization and

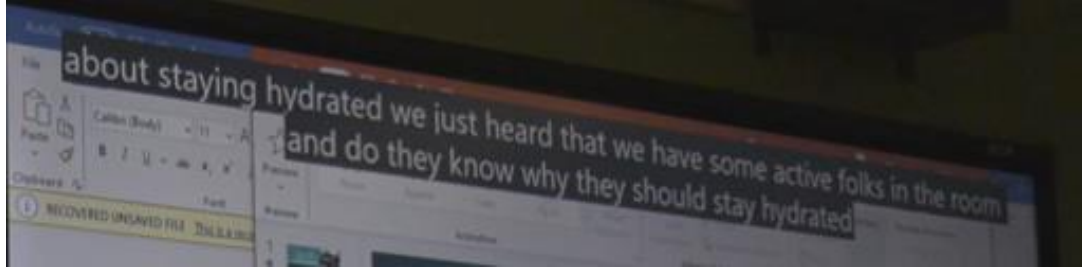
26 punctuation to divide the transcription into discrete sentences. However, the capitalization

27 and punctuation that Dr. Swett attributes to ViewSonic are not visible when the words first

28 appear, and are instead added later by the software. For example, the below image shows

1 that when the first part of the statement “we just heard” was transcribed, it was not  
2 differentiated from the preceding statement by capitalization nor punctuation.

3 March 27, 2024, SQ, at 0:16:38:



9         32. On September 25, 2024, Defendants provided an analysis of two segments of  
10 the demonstration of CART and ViewSonic that took place in an educational setting at SQ.  
11 Defendants say that CART may stop transcribing without warning or reason. The first  
12 segment, 11:57 to 13:29, shows a pause in CART captioning while staff at the prison  
13 attempt to troubleshoot. I reviewed the video recording, produced by Defendants, of this  
14 demonstration. At 11:31, prior to the start of the segment described by Defendants, the  
15 CART captioner types “[Poor Audio quality].” Nine seconds later, the CART captioner  
16 resumes typing (“we enjoyed”) and by 11:44, the CART captioner has typed “we enjoyed  
17 physical activity. Let me”) as the facilitator is interrupted to troubleshoot.

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28

1 March 27, 2024, SQ, at 0:11:44:

2  
3 >> Thank you all for joining  
4 today. We are going to keep  
5 that open. [Indiscernible] I  
6 hope by the time I am done  
7 talking more than anyone you  
8 came. [Poor Audio quality] we  
9 enjoyed physical activity. Let  
10 me  
11  
12  
13

14 At 11:57, a person attending the SQ demonstration asks, “Jamie [captioner], can you hear  
15 me?” and the Microsoft Teams screen shows that audio is being picked up as indicated by  
16 the highlighted SQ video box.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

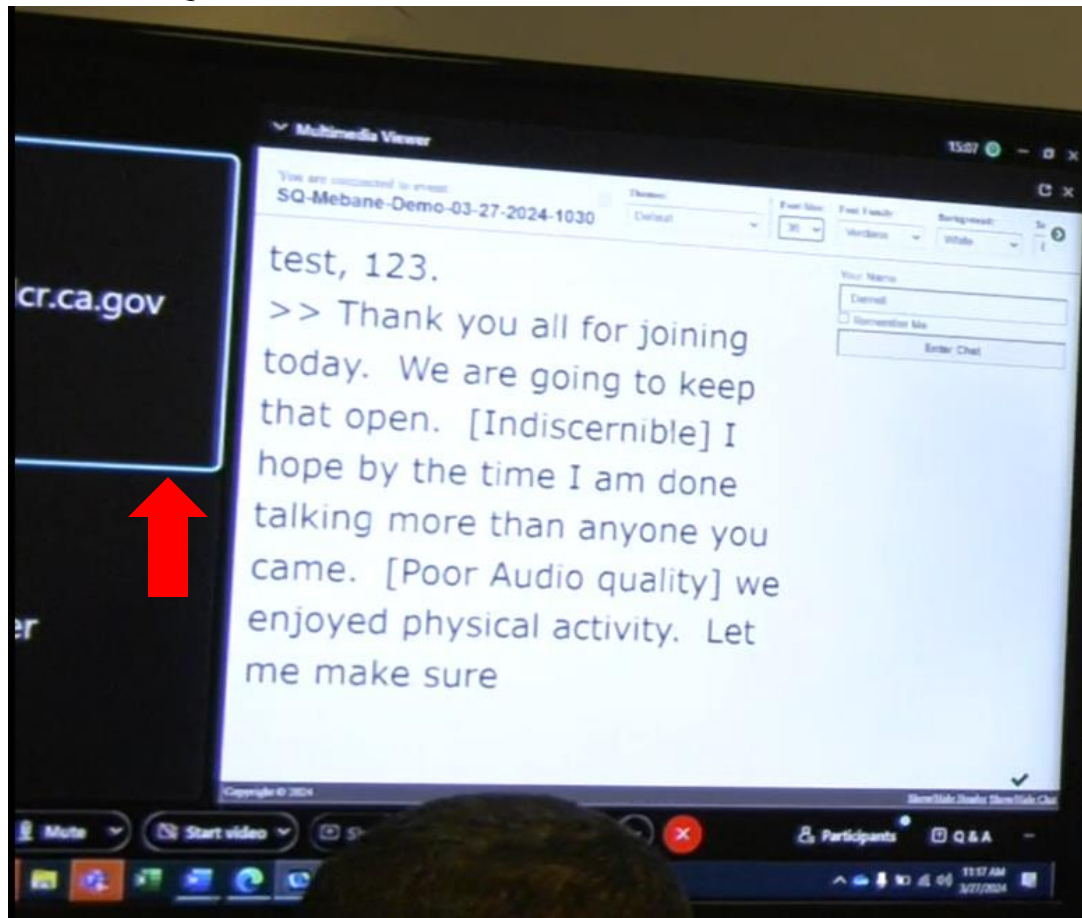
25 //

26 //

27 //

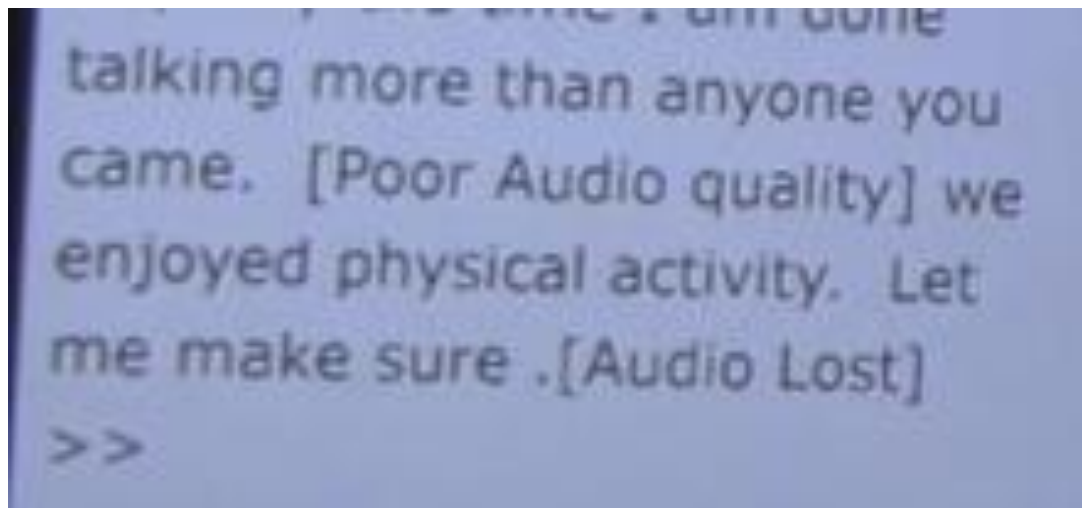
28 //

March 27, 2024, SQ, at 0:11:57:

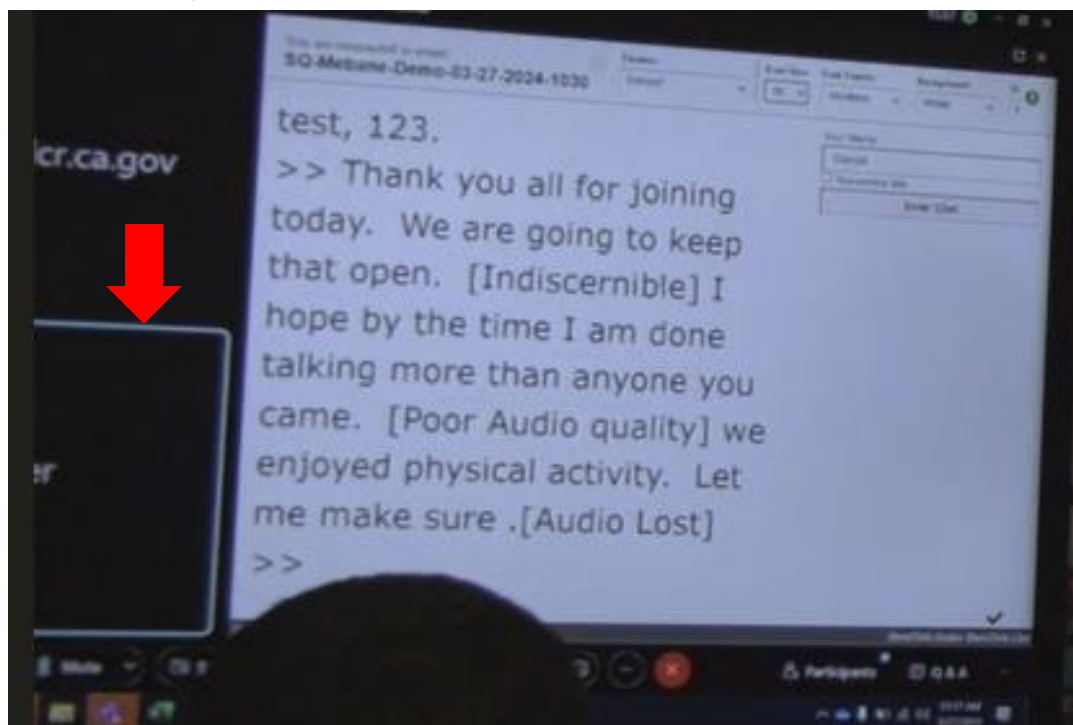


Two seconds later, the CART captioner writes, "[Audio Lost]."

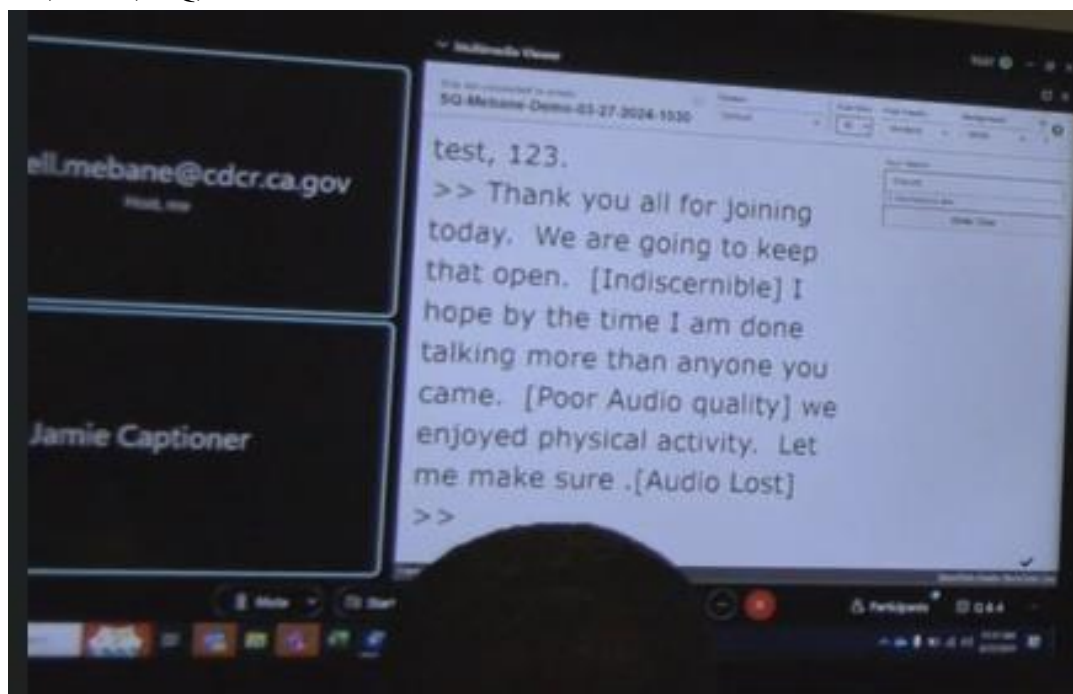
March 27, 2024, SQ, at 0:11:59:



1 The person at the SQ demonstration again asks if the CART captioner can hear. The  
2 CART captioner's video box is highlighted for five seconds as it appears the CART  
3 captioner attempts to respond verbally but the CART captioner's audio is not working.  
4 March 27, 2024, SQ, at 0:12:06:



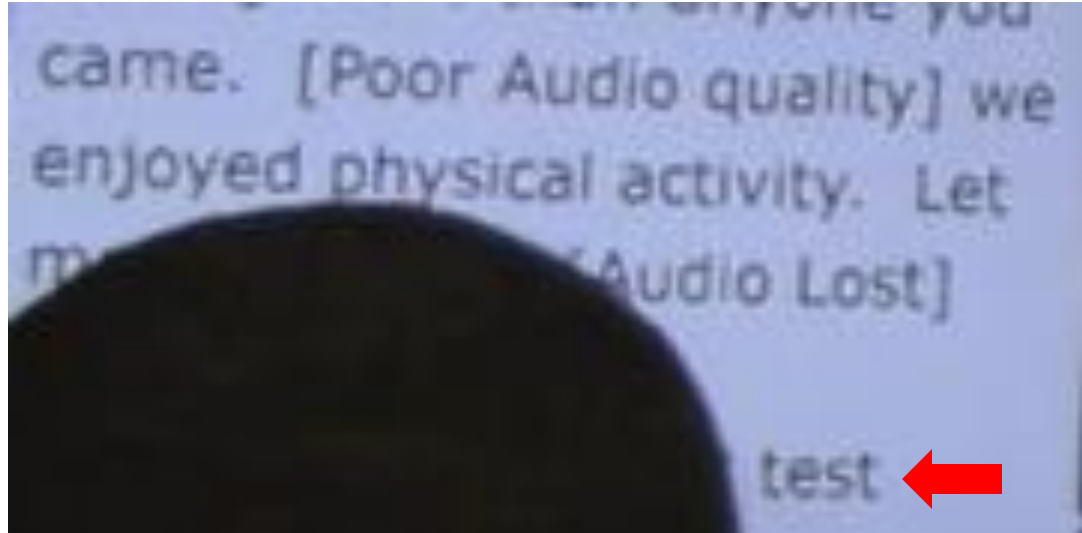
17 March 27, 2024, SQ, at 0:12:11:





1 The video recording indicates that by 13:07, the CART captioner has resumed transcribing  
2 again.

3 March 27, 2024, SQ, at 0:13:07:



12  
13 33. Defendants also point to a second similar incident about 20 minutes later in  
14 the demonstration. This time, the CART captioner signals twice that speakers are too far  
15 away from the microphone.

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

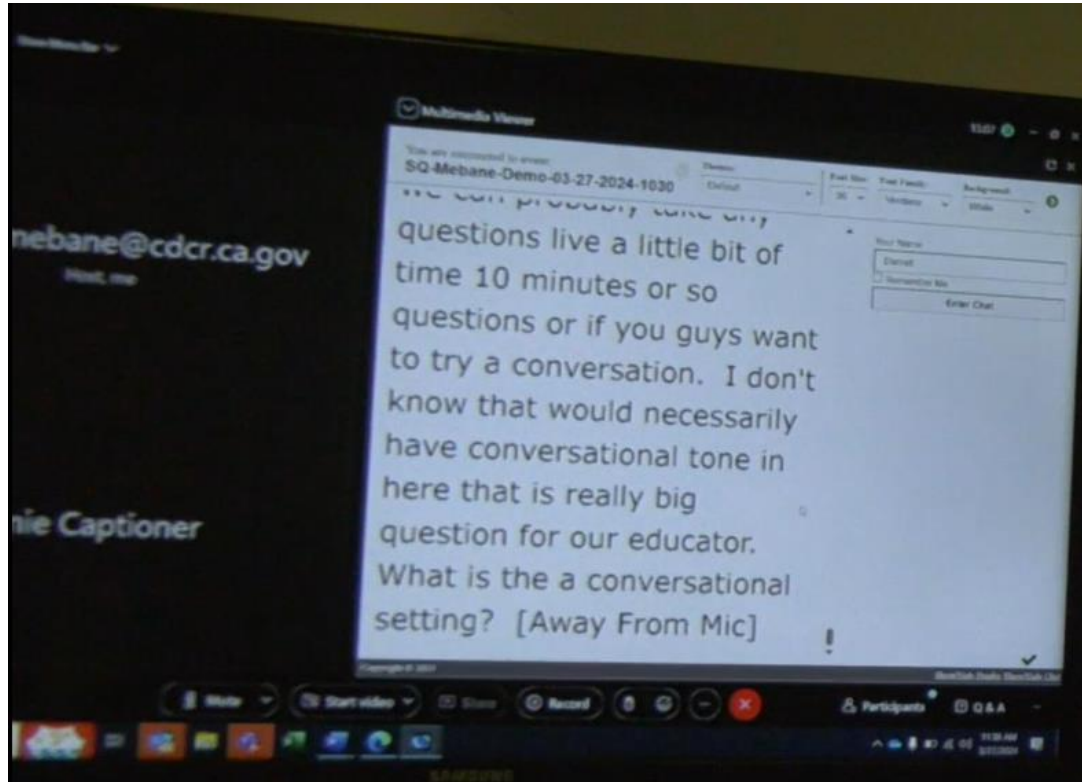
25 //

26 //

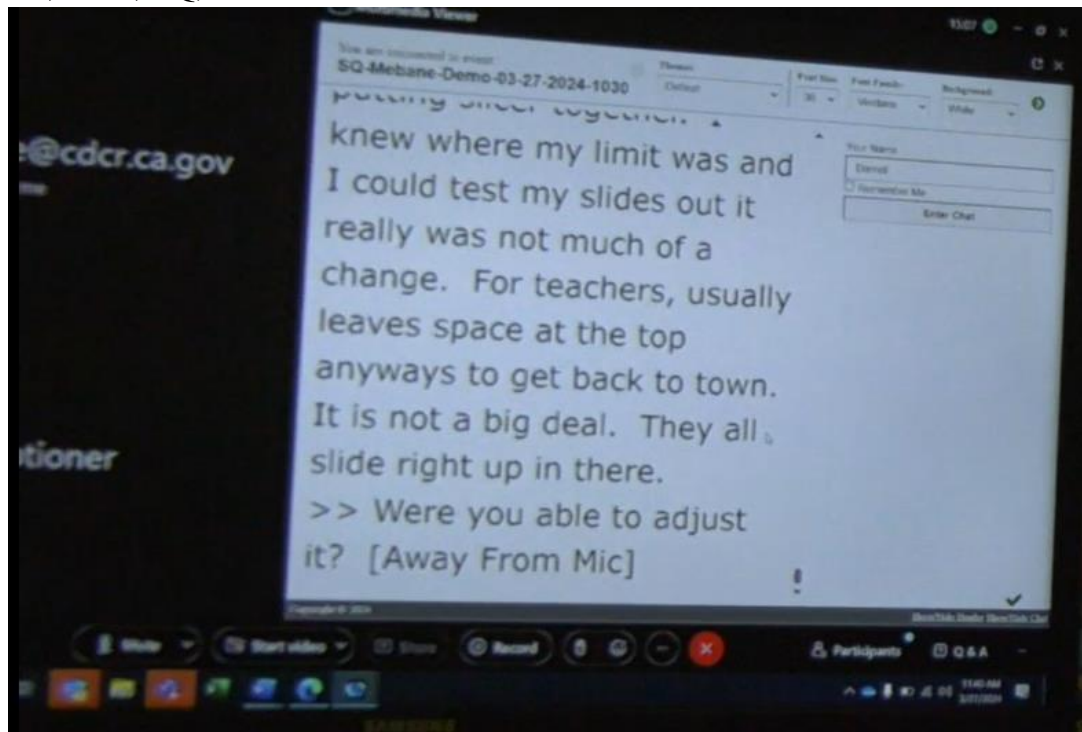
27 //

28 //

March 27, 2024, SQ, at 0:32:32:

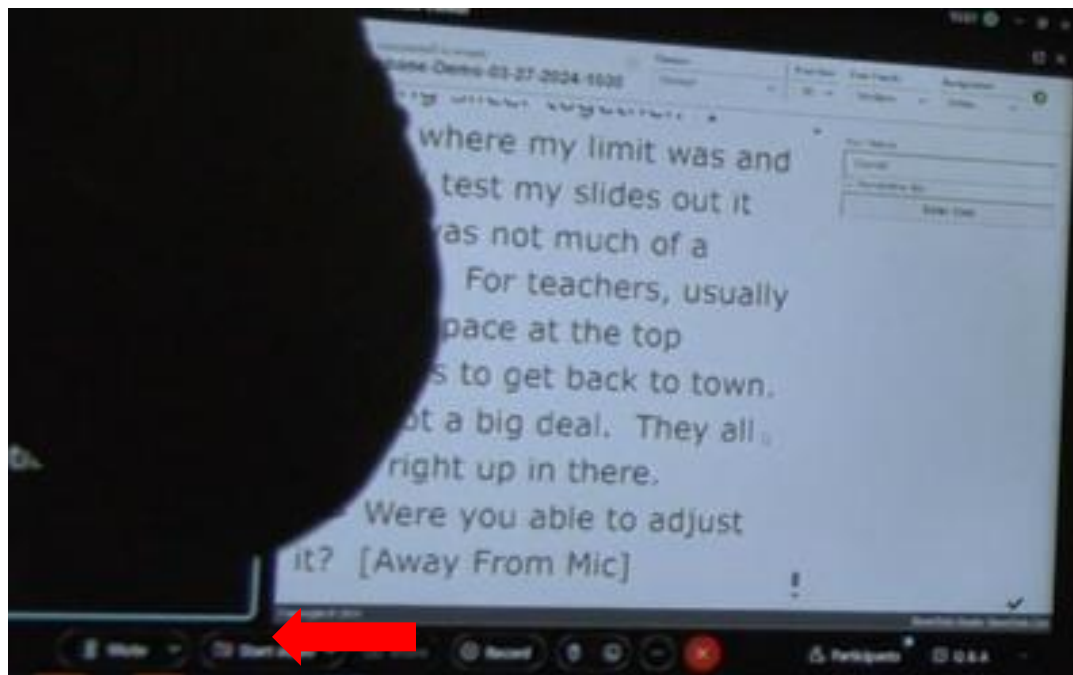


March 27, 2024, SQ, at 0:35:17:



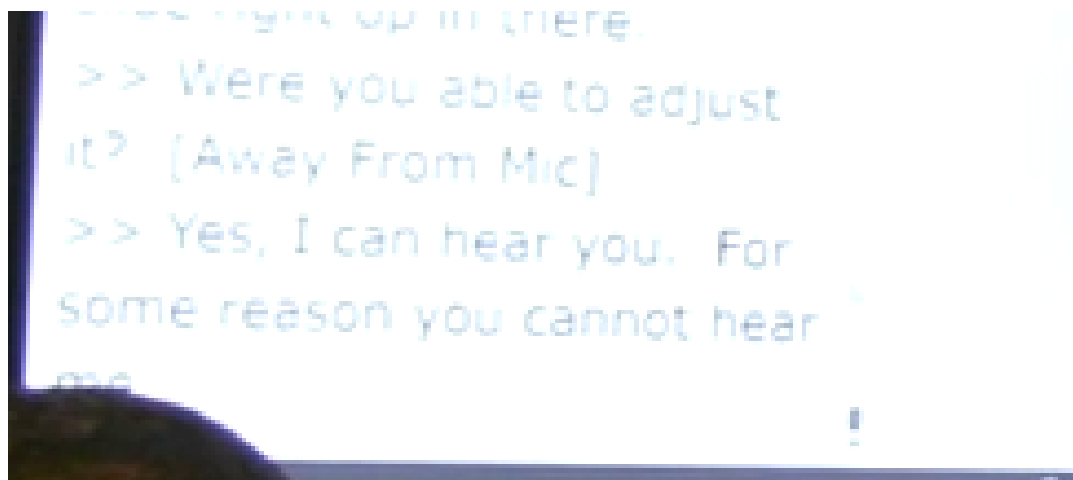
1 An individual begins troubleshooting once more and ask again if the CART captioner is  
 2 able to hear the discussion at 36:17 and 36:22. The CART captioner attempts to respond  
 3 verbally from 36:24 to 36:29 as indicated by her highlighted video box.

4 March 27, 2024, SQ, at 0:36:24:



16 Individuals at SQ and the CART captioner attempt to communicate verbally for  
 17 approximately 30 seconds. The CART captioner then writes that the captioner is able to  
 18 hear SQ but for some reason SQ is not able to hear the captioner.

19 March 27, 2024, SQ, at 0:37:00:



1 At 38:10, the following transcription appears on the CART laptop.

2 March 27, 2024, SQ, at 0:38.10:

3 [away from Mic]  
4 >> Yes, I can hear you. For  
5 some reason you cannot hear  
6 me.  
7  
8 >> I have tried on meeting it  
9 does not seem to work for  
10 you to hear me. I can hear  
11 you. I am not sure why you  
12 can't hear me.  
13  
14

15 The individual troubleshooting CART asks the captioner why they may be having issues,  
16 and the captioner responds that it may be due to "poor Internet connection . Maybe it the  
17 microphone?"

18 March 27, 2024, SQ, at 0:38.42:

19 >> I was not able to hear the  
20 first parts of the class. I am  
21 not sure if it was poor  
22 Internet connection . Maybe  
23 it the microphone?  
24  
25  
26  
27  
28

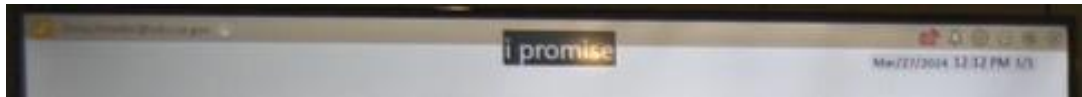
34. In both of the instances above, it is difficult to determine what caused the interruptions in CART transcription. It appeared audio equipment and the captioner pausing transcription to verbally respond to staff contributed to the interruptions.

35. On September 9, 2024, Defendants provided an analysis of a segment of the March 27<sup>th</sup> SQ demonstration that took place in a gym setting. The segment Defendants analyze takes place between 57:28 and 58:04. I reviewed the video recording, produced by Defendants, of this demonstration. This segment shows the facilitator repeating what the speaker has shared with the group. The original speaker can be heard saying the following on the video recording between 57:08 and 57:28:

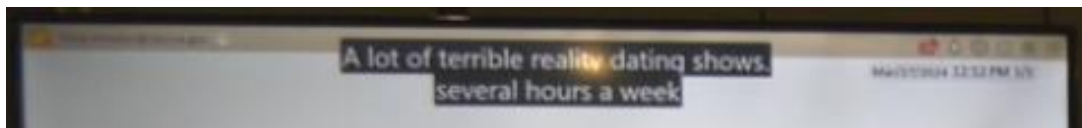
**Speaker:** One of my coping mechanisms is uh watching bad reality television. Umm I probably watch a lot of terrible reality dating shows several hours a week.

ViewSonic transcribed the following during this 20-second clip:

March 27, 2024, SQ, at 0:57.17:



March 27, 2024, SQ, at 0:57.28:



36. I reviewed the video recording, produced by Defendants, of the ViewSonic and CART demonstration held on May 31, 2024 at CIM. The following conversation can be heard on the video recording of this demonstration between 4:51 and 5:28:

**Speaker 1:** [inaudible] checking in, um, [inaudible] been having a good week, I'm accomplishing a lot and doing my victim's impact for the parole board which has, that points out that IDAP [inaudible] knowledge leaving [inaudible] class, because it has been way more detailed, way more [inaudible] insight, [inaudible] and I'm also this week I started the



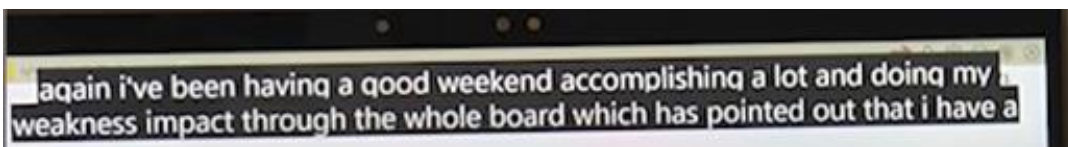
1 [inaudible].

2 **Speaker 2:** [inaudible]?

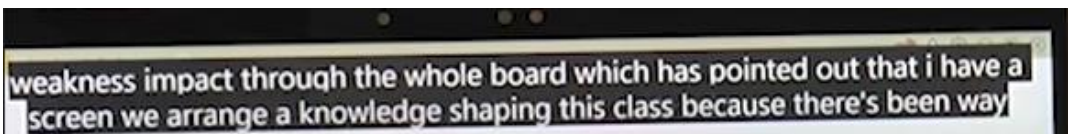
3 **Speaker 1:** [inaudible] no [inaudible]

4 37. ViewSonic transcribed the conversation as presented in the following  
5 screenshots. I took a screenshot of the ViewSonic transcription every time it displayed two  
6 full lines of text on screen. I also included the final transcription that ViewSonic provided  
7 of this conversation, which was only one line of text.

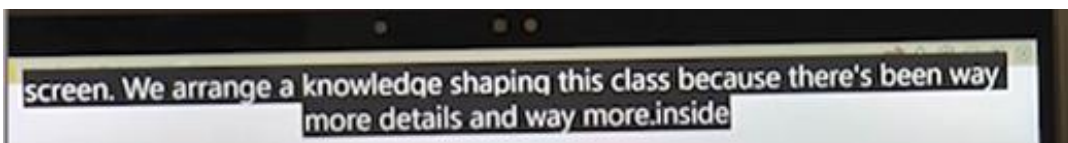
8 May 31, 2024, CIM, at 0:05:06:

9   
10 again i've been having a good weekend accomplishing a lot and doing my  
11 weakness impact through the whole board which has pointed out that i have a

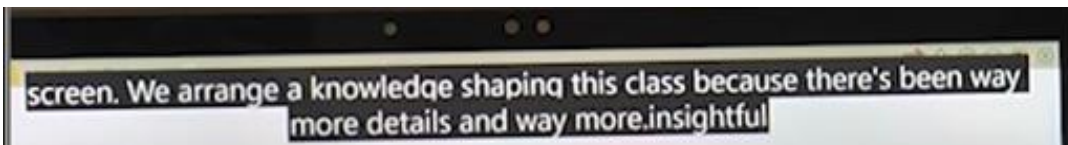
12 May 31, 2024, CIM, at 0:05:10:

13   
14 weakness impact through the whole board which has pointed out that i have a  
15 screen we arrange a knowledge shaping this class because there's been way

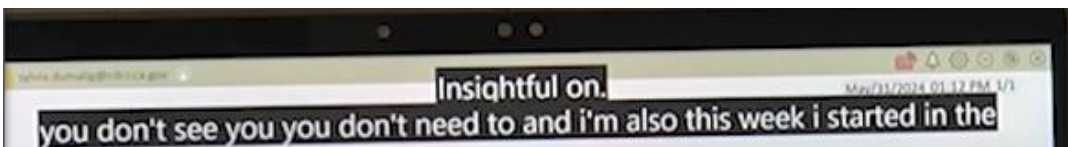
16 May 31, 2024, CIM, at 0:05:14:

17   
18 screen. We arrange a knowledge shaping this class because there's been way  
19 more details and way more.inside

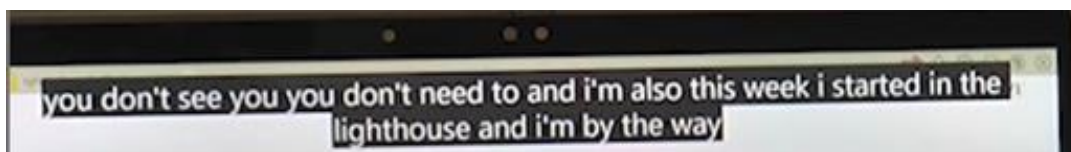
20 May 31, 2024, CIM, at 0:05:15:

21   
22 screen. We arrange a knowledge shaping this class because there's been way  
23 more details and way more.insightful

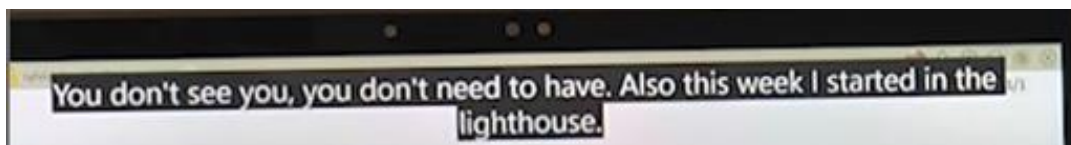
24 May 31, 2024, CIM, at 0:05:21:

25   
26 insightful on.  
27 you don't see you you don't need to and i'm also this week i started in the  
28

1 May 31, 2024, CIM, at 0:05:23:



5 May 31, 2024, CIM, at 0:05:25:

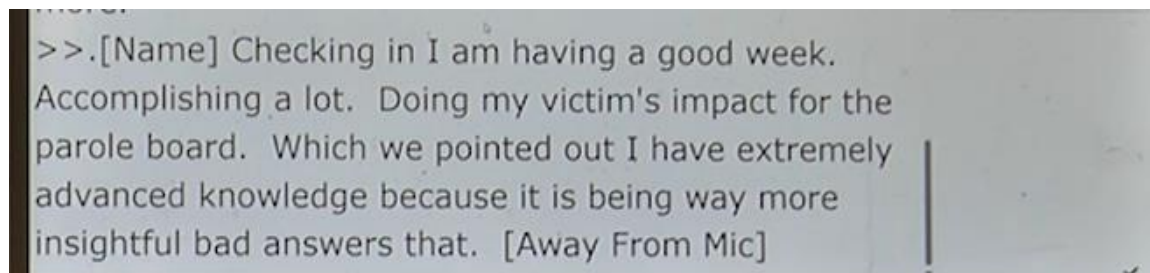


9 May 31, 2024, CIM, at 0:05:28:



13 38. ViewSonic transcription software updates words on the screen at various  
 14 instances during the video recorded demonstration. For example, at 5:14, the phrase “way  
 15 more.inside” appears on screen. A second later, that phrase is rewritten to “way  
 16 more.insightful.” Similarly, at 5:23, the phrase “and i’m by the way” appears on screen. A  
 17 few seconds later that phrase disappears altogether.

18 39. CART transcribed the conversation as presented in the following screenshot.  
 19 May 31, 2024, CIM, at 0:05:28:



25 40. I also reviewed video recording, produced by Defendants, of the ViewSonic  
 26 and CART demonstration held on June 5, 2024 at SQ. The following conversation can be  
 27 heard on the video recording of this demonstration between 10:38 and 11:13:  
 28

1 **Speaker 1:** So today guys, in section 4 we're going over planning sobriety.

2 Did everyone sign in by the way? Yeah. [inaudible]

3 **Speaker 2:** That's what I need, good planning.

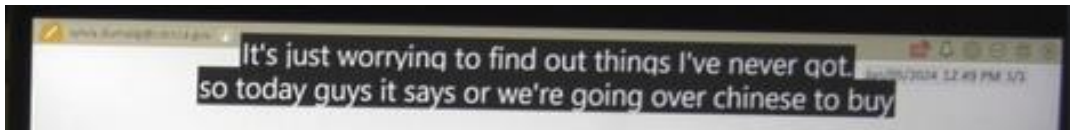
4 **Speaker 1:** We're going to go over that today, on parole, planning for  
5 sobriety. So Mr. Jerry, since you volunteered, would you like to read this  
6 quote?

7 **Speaker 2:** [laughs] [inaudible] which one? At the top?

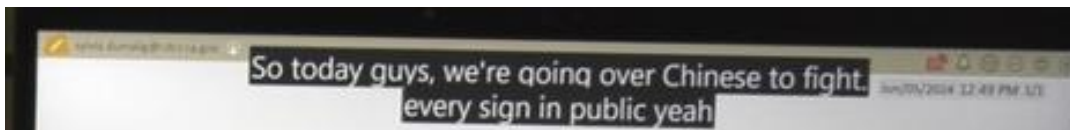
8 **Speaker 1:** yes, sir.

9 41. ViewSonic transcribed the conversation as presented in the following  
10 screenshots. I took a screenshot of the ViewSonic transcription every time it displayed two  
11 full lines of text on screen.

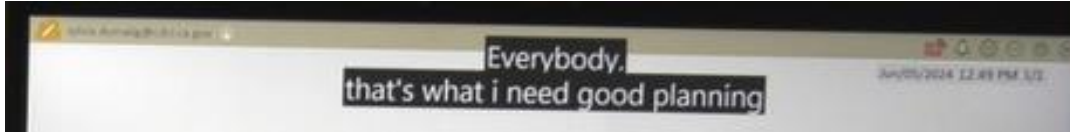
12 June 5, 2024, SQ, at 0:10:43:

13   
14  
15

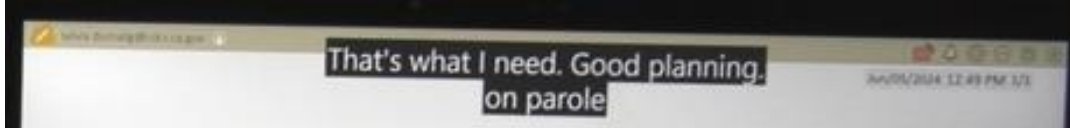
16 June 5, 2024, SQ, at 0:10:47:

17   
18  
19

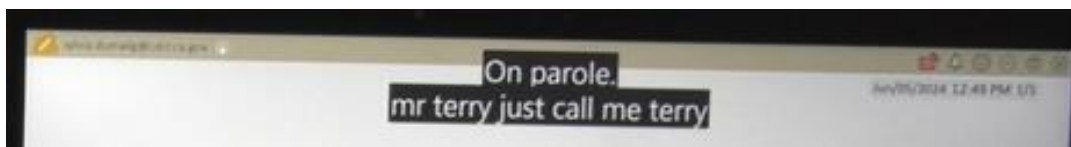
20 June 5, 2024, SQ, at 0:10:54:

21   
22  
23

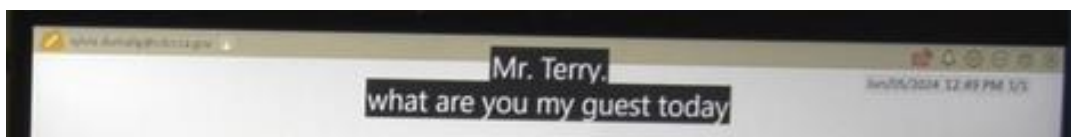
24 June 5, 2024, SQ, at 0:10:58:

25   
26  
27  
28

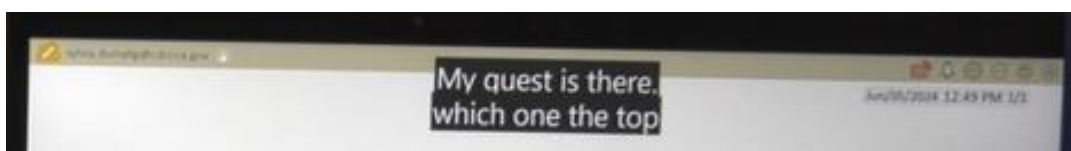
1 June 5, 2024, SQ, at 0:11:03:



5 June 5, 2024, SQ, at 0:11:07:

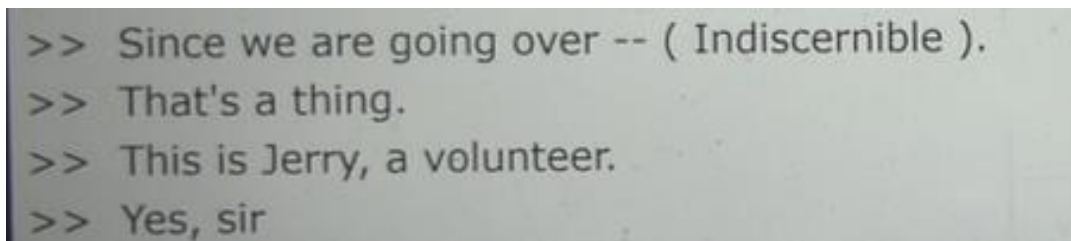


9 June 5, 2024, SQ, at 0:11:13:



13 42. As seen above, ViewSonic updated language after it was transcribed. For  
 14 example, ViewSonic transcribed the phrase “planning sobriety” as “chinese to buy” then  
 15 changed the transcription to “Chinese to fight” as seen in the screenshots at 10:43 and  
 16 10:47, respectively. In another instance, ViewSonic displays the phrase “what are you my  
 17 guest today” but it quickly disappears. The screen then displays the phrase “My guest is  
 18 there.” Neither phrase was an accurate transcription.

19 43. CART transcribed the conversation as presented in the following screenshot.  
 20 June 5, 2024, SQ, at 0:11:16:

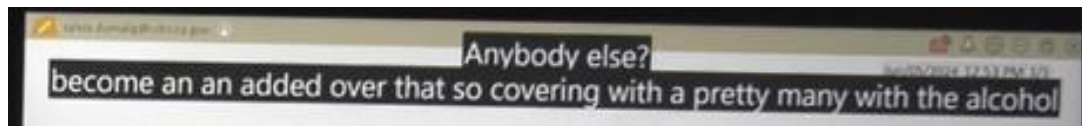


26 44. During the same SQ demonstration, several participants shared about their  
 27 experience with addiction. For example, the following can be heard between 14:55 and  
 28 15:50:

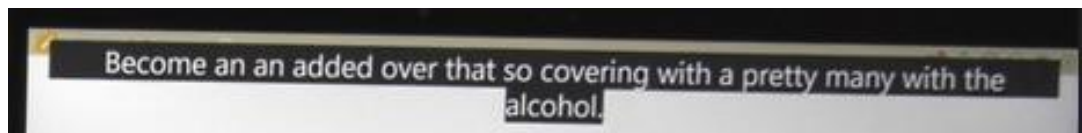
1 **Speaker:** For me, uh, for me, I didn't become an, an addict overnight. So,  
2 starting with, uh, experimenting with, uh, alcohol. You know, it took me  
3 [inaudible] experiment with other drugs also, and it was little by little that I  
4 started, uh, I, I started drinking more and more, you know. Uh, and the same  
5 with drugs, I started, you know, the more I used, the more I needed, the more  
6 I wanted it, you know, it got, it got to the point that I couldn't function  
7 without it. That's, that's when I, that's, that's when I knew [inaudible] I'm  
8 an addict, I needed it, you know...that's, that's how the process go, started  
9 you know experimenting, then using uh, here and there [demo video ends].

10 45. ViewSonic transcribed the conversation as presented in the following  
11 screenshots. I took a screenshot of the ViewSonic transcription every time it displayed two  
12 full lines of text on screen.

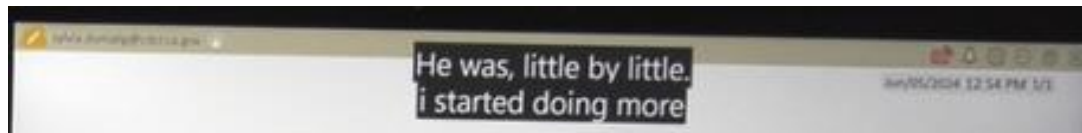
13 June 5, 2024, SQ, at 0:15:06:



15  
16  
17 June 5, 2024, SQ, at 0:15:09:

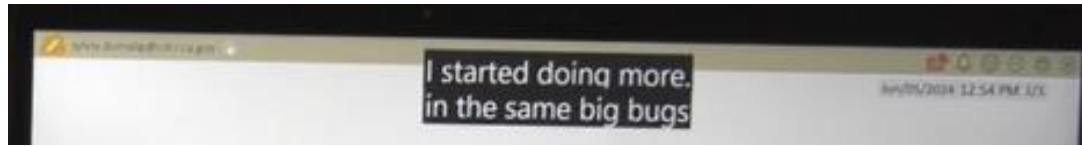


19  
20  
21  
22 June 5, 2024, SQ, at 0:15:21:

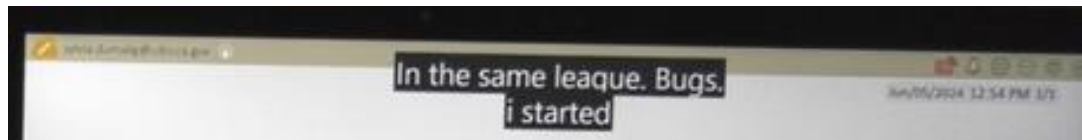




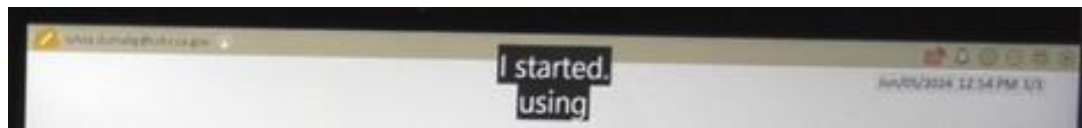
1 June 5, 2024, SQ, at 0:15:24:



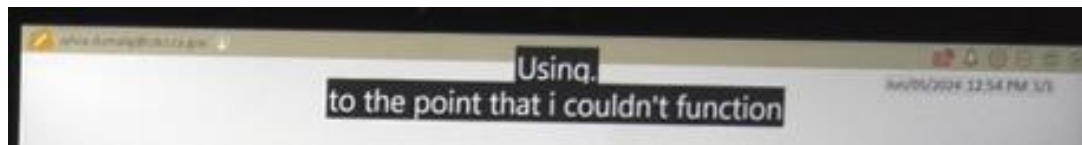
5 June 5, 2024, SQ, at 0:15:26:



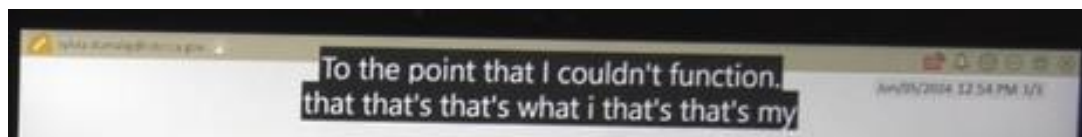
9 June 5, 2024, SQ, at 0:15:28:



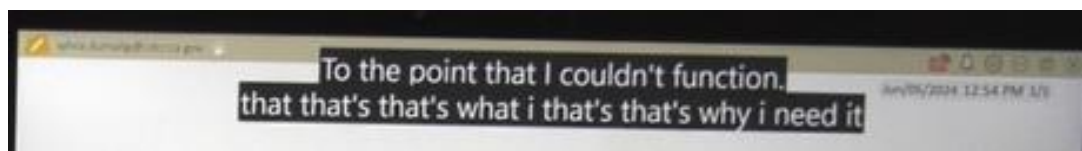
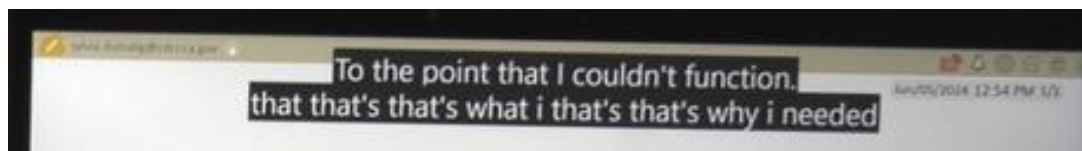
13 June 5, 2024, SQ, at 0:15:35:



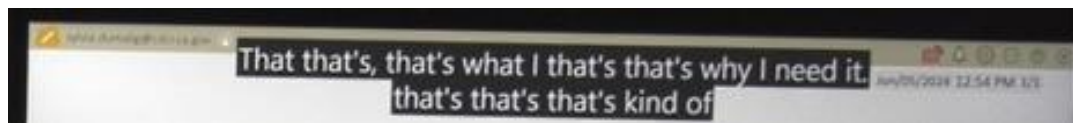
17 June 5, 2024, SQ, at 0:15:39:



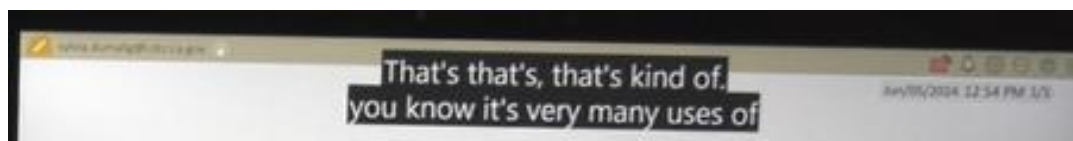
21 June 5, 2024, SQ, at 0:15:41:



1 June 5, 2024, SQ, at 0:15:44:



5 June 5, 2024, SQ, at 0:15:50:



9

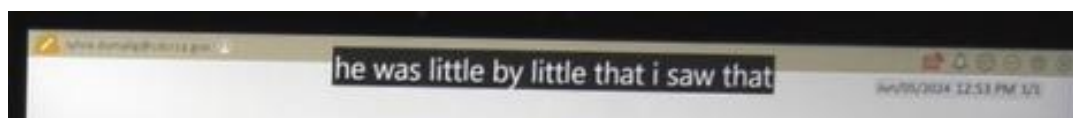
10 46. As seen above, ViewSonic updated language after it was transcribed. For

11 example, at 15:15, ViewSonic displays the words “he was little by little that I saw that,”

12 but a few seconds later, as shown in the screenshot from 15:21, the words “that I saw that”

13 disappear.

14 June 5, 2024, SQ, at 0:15:15:



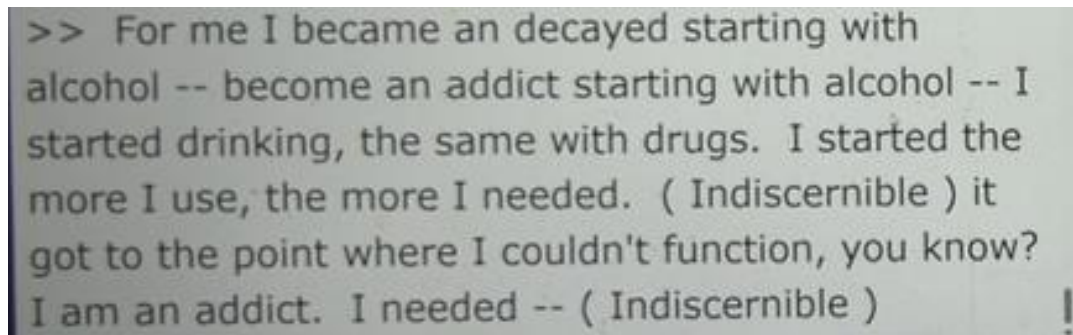
17 At 15:24 and 15:26, when the speaker is sharing about their increased drinking and drug

18 use, ViewSonic transcribed, “I started doing more. in the same big bugs” and then changed

19 the text to “In the same league. Bugs.”

20 47. CART transcribed the conversation as presented in the following screenshot.

21 June 5, 2024, SQ, at 0:15:50:



28 //

1 I declare under penalty of perjury under the laws of the United States of America  
2 that the foregoing is true and correct, and that this declaration is executed at San Francisco,  
3 California, this 30th day of September, 2024.

4  
5 /s/ Gabriela Pelsinger  
6 Gabriela Pelsinger  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28